

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

MARK CASH,

Plaintiff,

v.

CASE NO. 3:21-CV-322-DRL-MGG

C.R. BARD INCORPORATED, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

On August 13, 2021, this Court granted Plaintiff's former counsel's motion to withdraw their appearances based upon counsel's report that a conflict of interest had arisen between them and Plaintiff. [\[DE 20\]](#). The Court also ordered Plaintiff, no longer represented by counsel, "to file a status report on or before **September 10, 2021**, indicating whether he intends to continue prosecuting this action with or without representation." [\[DE 20 at 1\]](#) (emphasis in original)]. The Court then advised Plaintiff that "[f]ailure to respond to this order may result in a dismissal of this case." [\[DE 20 at 1\]](#).

As of September 21, 2021, Plaintiff had not filed the status report as ordered. Therefore, the Court afforded Plaintiff "one last opportunity to comply with the Court's order and file the status report . . . on or before **October 21, 2021** . . . ." [\[DE 22 at 2\]](#). In this second order, the Court advised that if Plaintiff failed to file the status report as ordered, a recommendation for "dismissal of this action for lack of prosecution under

Fed. R. Civ. P. 41(b)” would result. [DE 22 at 2]. Lastly, the Court stated that “failure to respond to this order may result in dismissal of this case.” [DE 22 at 2].

As of this date, Plaintiff has filed nothing in response to the Court’s orders. Therefore, the undersigned can only assume that Plaintiff has abandoned his instant claims against Defendants. Accordingly, the undersigned **RECOMMENDS** that the Court **DISMISS** Plaintiff’s case **WITHOUT PREJUDICE** for lack of prosecution and failure to comply with Court orders.

**NOTICE IS HEREBY GIVEN that within fourteen (14) days after being served with a copy of this recommended disposition a party may serve and file specific, written objections to the proposed findings and/or recommendations. Fed. R. Civ. P. 72(b). FAILURE TO FILE OBJECTIONS WITHIN THE SPECIFIED TIME WAIVES THE RIGHT TO APPEAL THE DISTRICT COURT’S ORDER.**

**SO ORDERED** this 26th day of October 2021.

s/Michael G. Gotsch, Sr.  
Michael G. Gotsch, Sr.  
United States Magistrate Judge